

**From:** [Marshall, Paul](#)  
**To:** [Mark Simms](#)  
**Cc:** [Kim Cole](#); [Craig Samek](#); [Joe Fontenot](#); [Miller, Patricia](#); [HertzWu, Sara](#)  
**Subject:** RE: BOE Consent Order for Review  
**Date:** Thursday, December 13, 2018 4:53:00 PM

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Mark,

I will have 2 attorneys on my end for the call. Checking our calendars on Monday, we are open between 11:30 and 1, 2 to 3, or 4 to 4:30.

Thanks,  
Paul

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**From:** Mark Simms <[msimms@sioux-city.org](mailto:msimms@sioux-city.org)>  
**Sent:** Thursday, December 13, 2018 4:34 PM  
**To:** Marshall, Paul <[Marshall.Paul@epa.gov](mailto:Marshall.Paul@epa.gov)>  
**Cc:** Kim Cole <[kim.cole@kimhec.com](mailto:kim.cole@kimhec.com)>; Craig Samek <[csamek@sioux-city.org](mailto:csamek@sioux-city.org)>; Joe Fontenot <[jfontenot@sioux-city.org](mailto:jfontenot@sioux-city.org)>  
**Subject:** RE: BOE Consent Order for Review

Paul,

Per the voice mail I left with you today, we would like to arrange for a conference call with you and perhaps your attorney regarding Big Ox Energy. We would like to discuss your assistance on enforcement actions to include having EPA take the enforcement over.

Is there a time Monday that might be a good fit? Our Legal staff would be on the call and possibly others.

Thank you.

Mark Simms  
Utilities Director  
City of Sioux City  
O: 712.279.6957

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**From:** Marshall, Paul [<mailto:Marshall.Paul@epa.gov>]  
**Sent:** Monday, November 19, 2018 5:45 PM  
**To:** Kim Cole <[kim.cole@kimhec.com](mailto:kim.cole@kimhec.com)>  
**Cc:** Mark Simms <[msimms@sioux-city.org](mailto:msimms@sioux-city.org)>; Craig Samek <[csamek@sioux-city.org](mailto:csamek@sioux-city.org)>  
**Subject:** RE: BOE Consent Order for Review

I took a look at the Order and made some suggested changes. I would like to have my attorney look at it but she's out until next Monday.

Let me know what you think.

Paul

**From:** Kim Cole [<mailto:kim.cole@kimhec.com>]

**Sent:** Monday, November 19, 2018 11:10 AM

**To:** Marshall, Paul <[Marshall.Paul@epa.gov](mailto:Marshall.Paul@epa.gov)>

**Cc:** Mark Simms <[msimms@sioux-city.org](mailto:msimms@sioux-city.org)>; Craig Samek <[csamek@sioux-city.org](mailto:csamek@sioux-city.org)>

**Subject:** BOE Consent Order for Review

Paul,

Please see attached for review and comment. This has gone back several times but due to on-going exceedances over weekends we added the equalization clause and the requirement that they track influent loadings. The City has experienced equipment downtime and they are particularly concerned about going into the winter season.

If you have time to review and can offer some input please let me know; we would obviously like to get this finalized as soon as possible.

Thanks,  
Kim

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Kim Cole (Hoskins), P.E.  
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